

UNEDITED

# *The Municipal Hail Insurance Act*

*being*

Chapter 99 of *The Revised Statutes of Saskatchewan, 1920*  
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

# Table of Contents

	SHORT TITLE		WITHDRAWALS
1	Short title	26	Withdrawal of lands
	INTERPRETATION	27	Consideration of notices of withdrawal
2	Interpretation	28	Crops destroyed otherwise than by hail
	HAIL INSURANCE ASSOCIATION		COLLECTION OF RATES
3	The association	29	Assessment and collection of rates
4	Head office	30	Transmission to association of statement of lands assessable
5	Association a corporate body with power to borrow money	31	Bank account
6	Annual meeting	32	Remuneration to municipality
7	Board of directors	33	Interest on arrears
8	Voters		CLAIMS FOR DAMAGE
9	Election of officers	34	Notice of damage
10	Executive committee	35	Inspector to report upon claim
11	Powers of committee		PAYMENT OF CLAIM
12	Fixing salaries	36	Rate and basis of fixing indemnity
13	Vacancies in the board	37	Amounts paid and factors determining
	BYLAWS		GENERAL
14	Power to make bylaws	38	Municipality's liability for moneys collected a debt to the association
15	audit and report	39	Council's borrowing powers
	POWERS OF MUNICIPALITY	40	Association's findings final/May require further evidence
16	Municipalities may indemnify losers from hail	41	Costs of association how borne
	PROCEDURE	42	Suspension in case of arrears
17	Resolution	43	Neglect of duty
18	Ballots, duties respecting	44	Failure to transmit report
19	Deputy returning officer's duties	45	Extension of time for performance of Acts
20	Voters' qualifications	46	Exemption from garnishment
21	Duties of secretary treasurer where bylaw assented to	47	When rights under Act cease
22	Publication of approval	48	Loans guaranteed by the province
	ASSESSMENT		
23	Liability to assessment		
24	Directors fix rate		
25	Report by persons liable to assessment		
			SCHEDULE

## CHAPTER 99

### An Act respecting Hail Insurance by Municipalities

#### SHORT TITLE

##### Short title

- 1 This Act may be cited as *The Municipal Hail Insurance Act*.

1919–20, c.30, s.1; R.S.S. 1920, c.99, s.1.

#### INTERPRETATION

##### Interpretation

- 2 In this Act, unless the context otherwise requires, the expression:

##### “Association”

1. “**Association**” means the Saskatchewan Municipal Hail Insurance Association;

##### “Council”

2. “**Council**” means the council of a rural municipality;

##### “Crops”

3. “**Crops**” means and includes crops of wheat, oats, barley, flax, rye or speltz;

##### “Land under cultivation”

4. “**Land under cultivation**” means and includes cropped, ploughed, summerfallowed and garden land;

##### “Minister”

5. “**Minister**” means the Minister of Municipal Affairs;

##### “Municipality”

6. “**Municipality**” means a rural municipality;

##### “Ratepayer”

7. “**Ratepayer**” means a person of the full age of eighteen years whose name appears on the last revised assessment roll of the municipality;

##### “Secretary treasurer” and “reeve”

8. “**Secretary treasurer**” and “**reeve**” mean respectively the secretary treasurer and reeve of a rural municipality

1919–20, c.30, s.2; R.S.S. 1920, c.99, s.2.

#### HAIL INSURANCE ASSOCIATION

##### The association

- 3(1) There shall continue to be an association to be called “The Saskatchewan Municipal Hail Insurance Association,” which shall consist of representatives of all the municipalities which exercise the powers provided by section 16.

- (2) Each municipality shall be represented by one delegate appointed by the council.

(3) Delegates need not necessarily be members of the councils of the respective municipalities which they represent, but they shall be resident electors of such municipalities.

1919–20, c.30, s.3; R.S.S. 1920, c.99, s.3.

#### **Head office**

4 The head office of the association shall be at Regina in the Province of Saskatchewan.

1919–20, c.30, s.4; R.S.S. 1920, c.99, s.4.

#### **Association a corporate body with power to borrow money**

5 The association shall be a corporate body and shall have the following powers:

- (a) to borrow money for the purpose of carrying out the objects of its incorporation, to hypothecate, pledge and mortgage its property, rights, assets and prospective revenues, and to sign bills, notes, contracts, and other evidences of or securities for money borrowed or to be borrowed for the purposes aforesaid;
- (b) to invest any reserve funds or surplus. as the same may from time to time be accumulated, in such manner as may be approved by the Lieutenant Governor in Council;
- (c) to transact the business of indemnifying against loss occasioned by hail the owners of crops growing within the area of municipalities which exercise the powers conferred by section 16.

1919–20, c.30, s.5; R.S.S. 1920, c.99, s.5.

#### **Annual meeting**

6 The association shall hold an annual general meeting of its members for the election of directors, for the presentation and consideration of the reports of the officers of the association and for the transaction of such other business as may come before the meeting under the provisions of this Act.

1919–20, c.30, s.6; R.S.S. 1920, c.99, s.6.

#### **Board of directors**

7(1) There shall be a board of nine directors who shall be paid such remuneration as the association may determine. All directors shall hold office for three years.

(2) Three directors shall retire each year and a sufficient number shall be elected by the association each year to fill the vacancies occurring.

(3) Directors need not be delegates.

1919–20, c.30, s.7; R.S.S. 1920, c.99, s.7.

#### **Voters**

8 The persons entitled to vote at all general meetings of the association shall be the appointed delegates of the municipalities as provided in section 3.

1919–20, c.30, s.8; R.S.S. 1920, c.99, s.8.

## MUNICIPAL HAIL INSURANCE

c. 99

**Election of officers**

**9(1)** The directors shall meet immediately after the annual general meeting of the association and organise by electing from their own number a president and vice president, and appointing a secretary and treasurer who may, or may not, be directors.

**(2)** One person may be appointed to the joint office of secretary and treasurer.

1919–20, c.30, s.9; R.S.S. 1920, c.99, s.9.

**Executive committee**

**10** The directors shall appoint an executive committee, consisting of the president, vice president and one other member of the board, any two of whom shall constitute a quorum.

1919–20, c.30, s.10; R.S.S. 1920, c.99, s.10.

**Powers of committee**

**11** The executive committee shall have such powers as may be delegated to it from time to time by the directors.

1919–20, c.30, s.11; R.S.S. 1920, c.99, s.11.

**Fixing salaries**

**12** The directors may engage and fix the salaries or compensation of all officers, agents and employees of the association, and may define their duties; but may, if it be deemed advisable, delegate such powers to the executive committee or to such officer or officers as may be in control of the association's business.

1919–20, c.30, s.12; R.S.S. 1920, c.99, s.12.

**Vacancies in the board**

**13** The directors may fill any vacancy that may occur in the board, and the person appointed shall hold office until the next general meeting.

1919–20, c.30, s.13; R.S.S. 1920, c.99, s.13.

## BYLAWS

**Power to make bylaws**

**14(1)** The association may from time to time make such bylaws, not contrary to law or inconsistent with this Act, as may be deemed expedient, for all or any of the following purposes:

(a) providing for the administration, management and control of its property and business;

(b) requiring reports to be made to the association by municipalities or officials of municipalities and by persons liable to assessment under this Act, showing the acreage under crop in each municipality exercising the powers provided by section 16, or the crop acreage in respect of which the person reporting is assessable in each such municipality, the crops growing thereon and the names of the owners and the situation of each such crop, and providing penalties for failure to comply with the terms of the bylaw;

(c) providing for the conduct in all; particulars of its affairs as may be considered necessary or expedient for carrying out the provisions of this Act according to their true intent and meaning.

(2) The directors shall possess all the powers of making bylaws hereinbefore conferred upon the association, but no bylaw of the directors shall be contrary to or inconsistent with an unrepealed bylaw of the association, and any bylaw made by the directors may be amended or repealed by a bylaw duly passed by the association.

1919–20, c.30, s.14; R.S.S. 1920, c.99, s.14.

#### **audit and report**

**15** The association shall close its books on or before the last day of February in each year, and immediately thereafter have a full and complete audit made of its books, records and accounts by one or more chartered accountants, and on completion of such audit shall prepare and publish a full and complete report of its operations during its last preceding fiscal year. A copy of such report shall be furnished to the minister and to the reeve and the secretary treasurer of each municipality under the Act.

1919–20, c.30, s.15; R.S.S. 1920, c.99, s.15.

### **POWERS OF MUNICIPALITY**

#### **Municipalities may indemnify losers from hail**

**16(1)** Any municipality may, jointly with other municipalities and subject to the provisions of this Act, undertake the indemnification of owners of crops growing within the area of all such municipalities against loss occasioned by hail.

(2) Every municipality other than those above mentioned may be admitted to the benefits and rights conferred by this Act upon such terms as by bylaw the association may direct.

1919–20, c.30, s.16; R.S.S. 1920, c.99, s.16.

### **PROCEDURE**

#### **Resolution**

**17(1)** The council of any municipality may, at a regular meeting thereof held between the first day of August and the first day of October in any year, resolve to submit to the electors at the next ensuing annual election a bylaw empowering the municipality to engage in the undertaking mentioned in section 16.

#### **Bylaw, how submitted**

(2) Such bylaw shall be in form A, shall receive its first and second reading on or prior to the first day of October, and shall be submitted and voted upon at the regular annual election then next ensuing.

#### **Bylaw must be submitted on receipt of petition**

(3) Upon receipt before the first day of November in any year of a petition to that effect, signed by not less than 25 per centum of the resident ratepayers of the municipality, such bylaw shall receive its first and second reading as soon as possible thereafter, and the council shall submit same to be voted upon as hereinbefore provided.

**Provision for repealing bylaw**

(4) Upon receipt, before the first day of November in any year, of a petition to that effect signed by not less than 25 per centum of the resident ratepayers of the municipality, the council shall submit to be voted upon at the then next ensuing annual election a bylaw repealing any bylaw of such municipality passed under the provisions of subsections (1), (2) and (3) hereof, and of sections 18 to 22.

(5) Such repealing bylaw shall be in form B, and shall receive its first and second reading as soon as possible after the receipt of the petition mentioned in subsection (4).

(6) Forthwith after any such bylaw shall have received its second reading, the secretary treasurer shall notify the minister of such action having been taken.

**Publication of proposed bylaw**

(7) Forthwith after the second reading of any such bylaw the secretary treasurer shall cause the same to be published in two successive issues of a newspaper published in or nearest to the centre of such municipality, or a newspaper circulating in the municipality, together with a notice (form C); and such publication shall be completed within a month of the date of such second reading.

1919–20, c.30, s.17; R.S.S. 1920, c.99, s.17.

**Ballots, duties respecting**

**18** For the purpose of taking the votes the secretary treasurer shall prepare and procure ballots (form D), and shall supply the deputy returning officer for each polling subdivision within the municipality, when furnishing him with supplies and instructions for such election, with a sufficient number of ballots for all persons who may be entitled to vote upon such bylaw within his polling subdivision, together with three copies of the bylaw, two of which it shall be the duty of the deputy returning officer to post up in conspicuous places in his polling booth, and one of which shall be kept by him for reference.

1919–20, c.30, s.18; R.S.S. 1920, c.99, s.18.

**Deputy returning officer's duties**

**19(1)** The deputy returning officer shall, when delivering ballots to voters for the election of municipal officers, hand one to each voter entitled to vote upon the bylaw, and shall record in the polling book for such election in a separate column the fact of having done so and of such ballot having been cast.

**Voting, etc., how done**

(2) The voting upon such ballot and the essentials to the legal sufficiency thereof, the number of votes cast for and against the bylaw and the statement and returns as to same and as to the result of the voting thereon, shall be in accordance mutatis mutandis with the provisions and formalities required with respect to the election of municipal officers at such elections.

1919–20, c.30, s.19; R.S.S. 1920, c.99, s.19.

**Voters' qualifications**

**20(1)** The persons entitled to vote upon such bylaw shall be all ratepayers of the municipality, except those who are qualified only in respect of lands within the limits of a hamlet or lands held under grazing lease from the Dominion of Canada.

(2) In case of a vote on a repealing bylaw no person shall be entitled to vote who has withdrawn his land from the operation of the bylaw for the current year as provided in sections 26, 27 and 28.

1919–20, c.30, s.20; R.S.S. 1920, c.99, s.20.

**Duties of secretary treasurer where bylaw assented to**

**21(1)** In the event of any such bylaw receiving the assent of the majority of the voters voting thereon, the council shall, on or before the tenth day of January next after such voting, finally pass the same, and shall cause the secretary treasurer to prepare, certify and forward to the minister during the same month two copies thereof together with a certified statement by the returning officer of the votes cast for and against.

(2) In case the bylaw fails to receive such assent, the secretary treasurer shall, nevertheless, forward to the minister such certified statement on or before the date above mentioned.

1919–20, c.30, s.21; R.S.S. 1920, c.99, s.21.

**Publication of approval**

**22(1)** Upon the publication of the minister's approval of the bylaw in *The Saskatchewan Gazette*, and not earlier, it shall come into force and be valid and binding to all intents and purposes.

**Notification to association**

(2) The minister shall forthwith cause notification to be given to the association of the publication of his approval of such bylaw, and, in case of a repealing bylaw, of the withdrawal of the municipality from the benefits of this Act, and thereafter in case of a repealing bylaw no claims for losses arising within such municipality shall be valid or be recognised by the association.

1910–20, c.30, s.22; R.S.S. 1920, c.99, s.22.

## ASSESSMENT

**Liability to assessment**

**23(1)** Upon publication in *The Saskatchewan Gazette* of the minister's approval of the bylaw (form A), all persons shall become and be liable to be assessed for a rate of four cents per acre, together with such additional rate, if any, as may be imposed under the provisions of section 24, upon all the lands within the municipality (exclusive of lands within any hamlet therein and lands held under grazing lease from the Dominion of Canada) upon or in respect of any interest in which they are assessable for municipal purposes.

(2) The publication of such approval shall constitute a valid and sufficient notice to all persons concerned of their liability to assessment under this Act, and the rates levied in each year thereafter shall be and remain until paid a charge and tax upon such land or upon any interest therein of the party assessed, notwithstanding that the title to such land may be in the Crown or that the lands themselves are otherwise not liable to assessment.



(3) Where at any time before the passing of this Act the minister's approval of a bylaw was published in *The Saskatchewan Gazette* but the secretary treasurer of the municipality omitted to publish a notice of such approval, as required by the statute at the time in force, it is hereby declared that; notwithstanding such omission, all persons in the municipality shall be deemed to have become liable to be assessed and to have been assessed by virtue of such bylaw for the special rate and the additional rate, if any, on the first day of May in the year in which such omission took place, in the same manner and to the same extent in all respects as if the said notice had been duly published.

1919-20, c.30, s.23; R.S.S. 1920, c.99, s.23.

#### **Directors fix rate**

**24** The directors shall fix annually a rate per acre in addition to the flat rate of four cents per acre to be levied on all the land of an owner or occupant under crop in excess of forty acres, such rate to be collected in the same manner as the said flat rate.

1919-20, c.30, s.24; R.S.S. 1920, c.99, s.24.

#### **Report by persons liable to assessment**

**25(1)** Every person liable to assessment under this Act shall, on or before the first day of June in each year and subject to the provisions of any bylaw made under clause (b) of subsection (1) of section 14, make a report to the secretary treasurer of the municipality, in a form to be prescribed by the association, giving a legal description of the land in the municipality in respect of which he is assessable, together with the number of acres actually under crop or intended to be put under crop in the current year; and he shall be bound for purposes of assessment and in case of loss by hail by the statements contained in such report.

(2) If the assessable person fails to make such report on or before the date mentioned, the secretary treasurer or such other official or officials as the council may appoint shall certify to the best of his or their knowledge and belief the name of the owner, or occupant, the legal description of the land and the number of acres cropped. The owner or occupant shall be bound by the facts as so certified, and the crop acreage in respect of which he is insured shall be the crop acreage so certified.

1919-20, c.30, s.25; R.S.S. 1920, c.99, s.25.

## **WITHDRAWALS**

#### **Withdrawal of lands**

**26(1)** Any owner or occupant of land within the municipality may, prior to the first day of June in any year, by written notice to the secretary of the association, withdraw from the operation of the bylaw the following lands in respect to which he is liable to assessment, upon satisfying the association and the council that the same are:

- (a) one or more quarter sections completely inclosed by a substantial fence in good repair of not less than two strands of wire on posts not more than thirty-three feet apart and actually used by him for grazing and hay purposes only; or

- (b) an unpatented quarter section held by him under homestead, pre-emption or purchased homestead entry from the Dominion of Canada, upon which there are less than forty acres under cultivation; or
  - (c) one or more quarter sections with less than, forty acres per quarter under cultivation, the remaining portion of which is completely inclosed by a substantial fence in good repair, of not less than two strands of wire on posts not more than thirty-three feet apart and actually used by him for grazing and hay purposes only.
- (2) The owner of land within the municipality not exceeding in area 640 acres may withdraw from the operation of the bylaw by written notice to the secretary of the association, prior to the first day of June in any year, upon satisfying the association and the council that not less than twenty-five per cent. of the said land is under cultivation.
- (3) The owner of land within the municipality exceeding in area 640 acres may withdraw from the operation of the bylaw by written notice to the secretary of the association, prior to the first day of June in any year, upon satisfying the association and the council that not less than fifty per cent. of the said land is under cultivation.

1919-20, c.30, s.26; R.S.S. 1920, c.99, s.26.

**Consideration of notices of withdrawal**

- 27(1)** The secretary of the association shall, immediately after the first day of June, transmit to the secretary treasurer of the municipality a list of all notices of withdrawal affecting the said municipality, together with particulars of same, and the council shall, during the said month of June, consider each such notice and shall, if satisfied that the land specified therein may properly be withdrawn under the provisions of section 26, approve the withdrawal.
- (2) Forthwith after such action of the council and before the first day of July, the secretary treasurer shall prepare and forward to the association a detailed statement, verified by statutory declaration of all the lands, the withdrawal of which has not been approved by the council.
- (3) All withdrawals shall be subject to review by the board of directors of the association, and, if the board decide that any withdrawal has been improperly made, it may order that the withdrawal be cancelled and that the rate or rates be levied against such land; and, upon receipt by the secretary treasurer of a notice from the board to that effect, the secretary treasurer shall cancel the said withdrawal.
- (4) Any land withdrawn from the operation of the bylaw under section 26, shall remain withdrawn for a period of at least one year and until, upon the written application of the owner or occupant to the secretary of the association the board directs that such land be again brought under the operation of the bylaw and notifies the secretary treasurer of the municipality of the terms and conditions upon which the application is granted, which reasonable terms and conditions the board is hereby authorised to impose; and during the period of withdrawal the land shall be exempt from rates levied under this Act.

1919-20, c.80, s.27; R.S.S. 1920, c.99, s.27.

**Crops destroyed otherwise than by hail**

**28** When any crop insured under this Act is destroyed in any other manner than by hail, the owner or occupant of the land on which such crop was grown may, by sending notice by registered letter addressed to the secretary of the association at his office in Regina not later than the twentieth day of July, giving the location of the crop and furnishing proof satisfactory to the board of directors of such destruction, withdraw such crop from the operation of the bylaw for the current year, and in that case he shall be entitled to a proportionate rebate in respect of the rates payable for crop so withdrawn as provided in the bylaw of the association in that behalf:

Provided, however, that no rebate shall be granted for any portion of the crop that may be harvested.

1919-20, c.30, s.28; R.S.S. 1920, c.99, s.28.

**COLLECTION OF RATES****Assessment and collection of rates**

**29(1)** The secretary treasurer of the municipality shall cause to be entered upon the assessment roll of the municipality for the current year, against all lands and interests in lands within the municipality not withdrawn as provided by sections 26, 27 and 28 and relieved from assessment, and against the persons to be assessed in respect thereof, the rates for the then current year, for raising a fund to carry out the purposes of the bylaw and the provisions of this Act.

(2) Such rates shall be collected in the same manner as municipal taxes are collected, and shall if unpaid when due be recoverable in all respects as municipal taxes on land are recoverable; and, with respect to the collection thereof, the municipal officers from time to time charged with the collection of the municipal taxes shall have the same powers and be subject to the same duties as with respect to the collection and recovery of municipal taxes within the municipality.

(3) In the event of any such rate remaining unpaid after the thirty-first day of October in the year in which they are levied, there shall be added thereto by way of penalty the sum of one dollar for every quarter section of land or portion thereof with respect to which such rates then remain unpaid.

(4) In the event of any such rate remaining unpaid after the thirty-first day of December of the year in which the same was levied, there shall be added thereto by way of penalty a sum equal to eight per cent. of the arrears: and upon the expiry of each succeeding year during which the whole or any portion of the combined amount of rate and penalty remains unpaid, an additional sum equal to eight per cent. of the arrears shall be added thereto.

1919-20, c.30, s.29; R.S.S. 1920, c.99, s.29.

**Transmission to association of statement of lands assessable**

**30(1)** The secretary treasurer shall, on or before the fifteenth day of June in each year in which any rate assessed under the authority of this Act becomes payable, forward to the secretary of the association a statement in the form prescribed, verified by statutory declaration, showing the full area of all lands in any way assessable within such municipality for the purposes of this Act.

**Transmission to association of statement of lands assessable**

(2) The secretary treasurer shall, on or before the first day of November in each year, remit to the secretary of the association the total amount of such rates according as the same have been or should have been assessed for such year:

Provided that, with the written consent of the board previously obtained, the secretary treasurer may withhold from such remittance the total amount of the rates levied upon land title to which is in doubt or with respect to which the right of the municipality to assess is in dispute.

(3) In case of the punctual payment to the association on or before the said first day of November in any year of the total amount of such rates as assessed for the year, the municipality may retain the full amount of all penalties imposed under this Act; otherwise the same shall be paid over to the association along with the rates or the balance thereof as remitted from time to time.

1919-20, c.30, s.30; R.S.S. 1920, c.99, s.30.

**Bank account**

**31** In the event of the secretary treasurer being unable to remit the full amount of such rates as provided by subsection (2) of section 30, he shall immediately after the date fixed for such payment open a separate bank account to be termed "The Hail Insurance Trust Account," to which all hail insurance levies and penalties then collected shall be transferred and into which such levies and penalties thereafter collected shall be paid. He shall also forthwith remit to the secretary of the association all moneys so transferred, and shall, from time to time, remit moneys paid in, as directed by the association.

1919-20, c.30, s.31; R.S.S. 1920, c.99, s.31.

**Remuneration to municipality**

**32** The association shall allow to the municipality out of the moneys received from it such remuneration for services rendered as shall be fixed annually by the board of directors.

1919-20, c.30, s.32; R.S.S. 1920, c.99, s.32.

**Interest on arrears**

**33** In case of rates levied for any year preceding the year 1920, and penalties imposed thereon, remaining unpaid, the municipality in default shall pay to the association interest at the rate of eight per centum per annum upon the amount of the arrears.

1919-20, c.30, s.33; R.S.S. 1920, c.99, s.33.

**CLAIMS FOR DAMAGE****Notice of damage**

**34(1)** The owner of a crop or portion thereof upon land assessed and liable for rates imposed under this Act who, between the sixteenth day of June and the fifteenth day of September, both days inclusive, in any year in which such land is so assessed, suffers loss through damage by hail to the standing crop on such land, of which he is the owner or tenant or the representative of either, shall, within three days of such damage being sustained, give notice thereof to the secretary of the association by registered letter addressed to him at Regina.

(2) Such notice shall state:

- (a) the number of acres damaged;
- (b) the percentage of damage done;
- (c) the claimant's interest, if any, in the crop;
- (d) the interest, if any, of any other person in the said crop;
- (e) the name of the person responsible for payment of the hail insurance rates on the said land;
- (f) the section, township and range in which the claimant resides, and his usual post office address;

and shall be witnessed and verified by a neighbour.

**Location of claimant or representative**

(3) In case such claimant does not reside within two miles of the crop in respect to which the claim is being made, representative such notice shall contain the name, section, township and range of some person residing within two miles of such crop, who shall be recognised by the inspector as the representative of such claimant for this purpose.

1919-20, c. 30, s.34; R.S.S. 1920, c.99, s.34.

**Inspector to report upon claim**

**35** The secretary of the association upon receipt of any claim of loss, shall deliver or forward the same to an inspector, who shall inquire into such claim, estimate the loss, and transmit a written report to the secretary of the association.

1919-20, c.30, s.35; R.S.S. 1920, c.99, s.35.

## PAYMENT OF CLAIM

**Rate and basis of fixing indemnity**

**36(1)** Each claimant shall be entitled to receive out of the said fund indemnity of not more than five cents per acre for every one per centum of damage which the board may decide that he has sustained by hail over or upon his area of injured crop:

Provided that no claimant shall be entitled to indemnity under this Act for any damage less than five per centum of the crop upon such hailed area at the time of damage;

Provided also that damage from hail throughout the same season and upon the same area shall be treated as cumulative.

(2) In all cases where the loss or damage by hail is less than five per cent. of the crop upon such hailed area at the time of damage the cost of inspection shall be paid by the claimant, and the amount of such costs shall be added to the rates imposed under this Act upon request of the secretary of the association.

1919-20, c.30, s.36; R.S.S. 1920, c.99, s.36.

**Amounts paid and factors determining**

**37(1)** Subject as herein provided all losses of which the association has had legal notice under the provisions of section 34 shall be paid by it before the fifteenth day of December in each year, but in the event of its total actual and estimated revenues not being considered by the association to be sufficient to pay all losses in full, the same shall be paid *pro rata*.

(2) In the payment of losses by the association, whether in full or *pro rata*, priority shall be given to losses arising in municipalities which have discharged their indebtedness to the association in full on or before November 1 in the then current year, and the association may make such regulations as it deems equitable for the payment of losses arising in other municipalities under the Act.

(3) The secretary of the association shall, if requested so to do by any municipality, retain out of the moneys so payable the amount owing by way of rates upon each quarter section of land with respect to which such moneys are payable, and shall remit such moneys so retained to the secretary treasurer of the municipality to be credited by him upon the said rates.

1919–20, c.30, s.37; R.S.S. 1920, c.99, s.37.

**GENERAL****Municipality's liability for moneys collected a debt to the association**

**38(1)** All moneys to be collected by any municipality under the authority of this Act and of any such bylaw shall be a debt due by such municipality to the association, and may be recovered by it by action in any court of competent jurisdiction in the province.

**Claims within municipality in default deprived of right to rank**

(2) In case any municipality shall make default in the payment of any moneys payable by it to the association under the provisions of section 30, before the date fixed for the final adjustment and payment of losses as aforesaid, the association may apportion, pay out and apply all moneys otherwise received by it hereunder to satisfy and discharge all claims incurred within the limits of the municipalities, other than the municipality so in default, which may be entitled to the benefits of the indemnity herein provided, and may pay such claims in full without regard to claims which may have arisen within the limits of the defaulting municipality.

1919–20, c.30, s.38; R.S.S. 1920, c.99, s.38.

**Council's borrowing powers**

**39(1)** The council of any municipality may borrow from any person, bank or corporation, upon its promissory note, signed by the reeve and the secretary treasurer and secured by any portion of such rates and any penalties thereon from time to time remaining unpaid, such sums of money as may be required to enable it to pay in full to the association the amount of the rates assessed within such municipality under such bylaw during the then current year, and may renew any such note from time to time.

(2) The securing of any such loan by any municipality shall not limit or impair its borrowing powers under any Act or law fixing or limiting the same.

1919–20, c.30, s.39; R.S.S. 1920, c.99, s.39.

**Association's findings final/May require further evidence**

**40** The adjudication of the association upon all claims for indemnity sent to it under this Act shall be determined upon the report of the inspector thereon; but the association may require such further reports and evidence in considering any such claim as it may see fit, and the adjudication of the board upon each such claim and upon its apportionment among claimants shall be final.

1919–20, c.30, s.40; R.S.S. 1920, c.99, s.40.

**Costs of association how borne**

**41** The costs and expenses of and in relation to the inspection and adjudication of all claims for indemnity under this Act shall be such as the association may tax and allow, and shall, together with tile allowance to and the expenses of the association and its officers, be paid out of the funds in the hands of the association under this Act.

1919–20, c.30, s.41; R.S.S. 1920, c.99, s.41.

**Suspension in case of arrears**

**42** In the event of any municipality being in arrears to the association for an amount equal to two years' assessment, the directors may suspend the operation of sections 23, 34, 35 and 36 with respect to such municipality. Notice of such suspension shall be given to the secretary treasurer of such municipality and published in *The Saskatchewan Gazette* and in the newspaper published nearest to the centre of the municipality on or before the first day of March in such year.

1919–20, c.30, s.42; R.S.S. 1920, c.99, s.42.

**Neglect of duty**

**43** Any secretary treasurer or other officer or person who refuses or wilfully neglects to perform any duty required of him by this Act or any bylaw of the association or who makes a return that is wilfully false or misleading in any particular, or who performs any act forbidden by this Act, shall be guilty of an offence and liable, upon summary conviction, to a fine of not less than \$10 nor more than \$100.

1919–20, c.30, s.43; R.S.S. 1920, c.99, s.43.

**Failure to transmit report**

**44** Any municipality which refuses or neglects to transmit to the association any report on or before the day fixed by bylaw of the association for the transmission thereof, shall, for every such neglect or refusal, be liable to a penalty of \$1 for every day during which the default continues. Such penalty may be deducted from any remuneration that may be due the municipality under section 32.

1919–20, c.80, s.44; R.S.S. 1920, c.99, s.44.

**Extension of time for performance of Acts**

**45(1)** If anything required to be done by or under this Act at or within a fixed time cannot be or is not so done, the minister may by order from time to time appoint a further or other time for doing the same, whether the time within which the same ought to have been done has or has not expired.

**(2)** Anything done within the time prescribed by such order shall be as valid as if it had been done within the time fixed by or under this Act.

1919–20, c.30, s.45; R.S.S. 1920, c.99, s.45.



**Exemption from garnishment**

**46** Moneys due as indemnity to claimants under this Act shall be exempt from garnishment or attachment and incapable of being assigned.

1919–20, c.30, s.46; R.S.S. 1920, c.99, s.46.

**When rights under Act cease**

**47** The right to be indemnified for loss by hail, to which the owner of a crop may be entitled under the provisions of this Act, shall cease when the grain is cut or harvested or wholly destroyed by any agency other than hail.

1919–20, c.30, s.47; R.S.S. 1920, c.99, s.47.

**Loans guaranteed by the province**

**48(1)** For the purpose of enabling the association to make full use of its assets in meeting claims accruing against it in any year, irrespective of the amount of its collections, the Lieutenant Governor in Council may enter into agreements with the association and with persons lending money to it, guaranteeing repayment of the sums advanced, either originally or upon renewal with interest.

(2) Such advances may be by way of continued and repeated transactions.

(3) The agreements may provide such terms and conditions, with regard to all or any of such advances, including extensions of time to the association and freedom of the lender from responsibility for the securities, as may be set forth in the orders in council authorising the same.

(4) The association may secure the province against loss through a guarantee in such manner and form as the Lieutenant Governor in Council may approve.

(5) Agreements may be signed on behalf of the province by the Provincial Treasurer or such other officer as may be from time to time designated by the Lieutenant Governor in Council for the purpose; and when an agreement is so signed the province shall become liable for payment of the principal and interest thereby secured.

(6) Every agreement so signed and purporting to be made hereunder shall be conclusive evidence in favour of the lender as against the Crown and the association that the terms of this Act with respect thereto have been complied with, that the obligations therein set forth are valid and binding obligations of the Crown and the association, and -that the terms and conditions therein contained are authorised by this Act.

1919–20, c.30, s.48; R.S.S. 1920, c.99, s.48.



## MUNICIPAL HAIL INSURANCE

c. 99

## SCHEDULE

## FORM A

(Section 17 (2))

Bylaw No. \_\_\_\_\_ of the Rural Municipality of \_\_\_\_\_  
No. \_\_\_\_\_

A bylaw to authorise this municipality to join with other municipalities to indemnify owners of crops within their limits from loss occasioned by hail.

Under the authority of *The Municipal Hail Insurance Act*, the council of The Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ enacts as follows:

1. This municipality shall, subject to the provisions of the said Act, jointly with other municipalities undertake the indemnification of owners of crops growing within the area of such municipalities against loss occasioned by hail.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Read a third time after having received the assent of the electors thereto and finally passed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

.....  
*Reeve.*

[SEAL]

.....  
*Secretary treasurer.*

## FORM B

(Section 17(5))

Bylaw No. \_\_\_\_\_ of the Rural Municipality of \_\_\_\_\_  
No. \_\_\_\_\_

A bylaw to repeal a bylaw authorising this municipality to join with other municipalities to indemnify owners of crops within their limits from loss occasioned by hail.

Under the authority of *The Municipal Hail Insurance Act*, the council of The Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ enacts as follows:

1. A bylaw authorising this municipality to join with other municipalities to indemnify owners of crops within their limits from loss occasioned by hail, which bylaw was read a third time after having received the assent of the electors and finally passed at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, is hereby repealed.

## MUNICIPAL HAIL INSURANCE

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Read a third time after having received the assent of the electors thereto and finally passed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

.....

*Reeve.*

.....

*Secretary treasurer.*

[SEAL]

\_\_\_\_\_  
FORM C

(Section 17(7))

## NOTICE TO ELECTORS

The above is a true copy of a proposed bylaw No. \_\_\_\_\_ which has been taken into consideration by the council of The Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_ and which in the event of the assent of the electors being obtained thereto will be finally passed on or before the tenth day of January, 19\_\_\_\_.

And notice is hereby given that a vote of the electors entitled to vote thereon will be taken upon said bylaw at the next ensuing annual elections of this municipality to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ between the hours of 9 a.m. and 5 p.m. (mountain standard time) and at the polling places fixed for such election.

And take notice further that I will at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_m sum up the votes upon said bylaw and declare the result of the vote thereon.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

.....

*Secretary treasurer.*

MUNICIPAL HAIL INSURANCE

c. 99

FORM D

(Section 18)

For Hail Insurance	Voting on Bylaw No. .... 19..... submitted by the Council of the Rural Municipality of ..... No. ...., respecting Hail Insurance.
Against Hail Insurance	

FOR HISTORICAL REFERENCE ONLY